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STATE OF NEVADA
DEPARTMENT OF WILDLIFE



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June 18, 2004

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TERRY R. CRAWFORTH
Director

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Deputy Director

NDOW-SR: 04-181

Ms. Robin Sweeney
EIS Document Manager
Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Alignment,
Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain,
NV (April 8, 2004 Federal Register Vol. 69, No. 68, Pages 18565-18569)

Dear Ms. Sweeney:

The Nevada Department of Wildlife (Department) is remiss in providing this written response to the subject proposed project and apologizes for tardiness. We also wish to convey our interest and concern for the short- and long-term, potential impacts consequential to the alignment, construction and operation of DOE's preferred route, also known as the Caliente Rail Corridor. The Caliente Rail Corridor has the potential to intersect sensitive fish and wildlife habitats and populations.

It is the Department's experience with similar transportation projects that events subsequent to issuance of a Record of Decision (ROD), wherein a final alignment is identified, result in a redesign of the alignment based on final geo-technical / engineering analyses. Consequently, previous understandings and agreements reflected in the ROD regarding the level and nature of anticipated impacts and the associated minimization and mitigation measures may become moot. And, alignment redesign can also escalate the level of localized and perhaps regional resource impacts to significant proportions.

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Another observation is that attention to funding for implementing minimization and mitigation measures for direct, indirect, and cumulative impacts is often an after-thought or add-on consideration relative to total project costs. This *a posteriori* approach disadvantages timely implementation of meaningful minimization and mitigation measures, compromising the effectiveness of impact mitigating strategies. Strategies for impact minimization and mitigation, and the funds adequate to implement them, must be identified within the principal framework of total project costs prior to DOE's fund-sourcing phase.

To that end, the department is prepared to provide information and engage in dialogue with the DOE and other affected parties relative to fish and wildlife resources along the proposed Caliente Rail Corridor. And, we look forward to working with the DOE and other parties during and after development of the EIS to ensure a complete and comprehensive analysis and consideration of wildlife and associated resources is achieved. Please, do not hesitate to contact me at the Department's Southern Region Office in Las Vegas concerning this important endeavor.

Sincerely,



D. Bradford Hardenbrook
Supervisory Biologist - Habitat

DBH:dbh

cc: NDOW, Files